

REMARKS

[0002] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-11, 13, 14, 16, 17, 19-24, 26-39, 41, and 45-48 are presently pending. Claims amended herein are 1, 3-5, 7, 9-11, 13, 14, 16, 20, 24, 27-30, 35-39, 41, 45, and 48. Claims withdrawn or cancelled herein are 12, 15, 18, 25, and 40. New claims added herein are none.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on 8 October 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited references, namely Jaakkola, Liang and Massarsky. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] The Examiner was receptive to the proposals, and I understood the Examiner to agree with the proposed clarifying claim amendments. For example, the Examiner was receptive to clarification of claim 1 regarding the use of weighting. However, the Examiner indicated that he would need to review the cited art more carefully and do another search if necessary, and requested that the discussed amendments be presented in writing.

[0007] The Examiner also agreed to remove the 101 rejections to the claims if the discussed amendments were presented in writing.

[0008] Applicant herein amends the claims in a manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview and recited herein.

Formal Request for an Interview

[0009] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

Claim Amendments

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 3-5, 7, 9-11, 13, 14, 16, 20, 24, 27-30, 35-39, 41, 45, and 48. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Formal Matters

Claims

[0011] The Examiner objects to claims 3, 28 and 29 for typographical formalities. Herein, Applicant amends these claims, as shown above, to address the objections made by the Examiner, and to expedite prosecution.

Substantive Matters

Claim Rejections under § 101

[0012] Claims 27-29 and 35-41 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. Furthermore, in light of the discussion and agreements reached in the above mentioned Examiner interview and the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0013] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under § 103

[0014] 1, 3, 4, 5-14, 15, 16-19, 20-24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35-39, 40, 41, 45-48 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the discussion during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections and the case be passed along to issuance.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0015] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Liang, Jaakkola, and Massarsky

[0016] In section 6 of the current action, the Examiner rejects claims 1, 3, 5-14, 16-19, 35-39, 40, 41 and 45-48 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of Jaakkola and further in view of Massarsky. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 35, and 45

[0017] Applicant submits that, as discussed in the above mentioned Examiner interview, the combination of **Liang, Jaakkola, and Massarsky** does not teach or suggest the elements as recited in these claims as currently amended.

[0018] As an example, the combination does not teach or suggest at least the following, as recited in claim 1, as currently amended, and similarly recited in claims 35 and 45:

performing a kernel regression in order to map the relationship to similar relationships among similar facial features in the reference facial images, wherein the kernel regression further includes:

assigning weights to the reference facial images based on a similarity of the relationship to corresponding relationships among facial features in the facial images, wherein a high weight is assigned to a high similarity; and

applying a linear regression to the weighted facial images

[0019] Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims

Dependent Claims

[0020] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Based upon Liang, Massarsky, and Jaakkola

[0021] In section 7 of the current action, the Examiner rejects claims 25, 28, 30, 31, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of Massarsky and further in view of Jaakkola. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 30

[0022] Applicant submits that, as discussed in the above mentioned Examiner interview, the combination of **Liang, Massarsky, and Jaakkola** does not teach or suggest the elements as recited in this claim, as currently amended.

[0023] As an example, the combination does at least not teach or suggest the following, as recited in claim 30, as currently amended.

comparing relationships among the semantic facial features to corresponding relationships between unexaggerated and exaggerated features in reference facial images and associated reference caricatures in a reference database of caricatures drawn by an artist;

applying a kernel regression to select some of the semantic facial features for caricature exaggeration and to exaggerate the semantic facial features into exaggerated features, wherein a nonlinear mapping between corresponding

unexaggerated and exaggerated features in the reference database is learned via the kernel regression;

[0024] Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims

[0025] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Based upon Liang and Massarsky

[0026] In section 10 of the current action, the Examiner rejects claims 20-24, 26, 27, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of Massarsky. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claims 20 and 27

[0027] Applicant submits that, as discussed in the above mentioned Examiner interview, the combination of **Liang and Massarsky** does not teach or suggest the elements as recited in these claims as currently amended.

[0028] As an example, the combination does not teach or suggest at least the following, as recited in claim 20, as currently amended.

means for comparing relationships among facial features in the drawing to corresponding relationships in reference facial images and associated reference caricatures in a database of reference facial images and corresponding reference caricatures characters drawn by an artist, wherein the means for comparing is facilitated by a kernel regression technique, wherein the kernel regression technique assigns various weights to the facial images and associated caricatures based on a similarity to one or more relationships among facial features in the drawing;

[0029] Also by example, the combination does not teach or suggest at least the following, as recited in claim 27, as currently amended:

an exaggeration engine to compare the facial features and relationships in the facial image to facial features and relationships in a reference collection of pairs of reference facial images and associated reference caricatures stored in a database in order to determine which of the facial features and relationships to exaggerate in the facial image;

[0030] Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Dependent Claims

[0031] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0032] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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